

REMARKS

Claims 1, 2, and 7 have been amended to clarify the claimed invention. Support for the amendments is present in Claims, 1 2, and 7 as originally filed. No new matter has been added.

The location of the recitation of the HFC-365mfc has been reordered to clarify that it is a required component of the claim. As discussed below, a proper reading of the claim prior to this amendment would indicate that no change in claim scope is made by this amendment. Moreover, the reintroduction of NMP into the claims is based on the claims as originally filed. Thus no new issues are presented after final that would prevent entry of the present amendment.

Applicants respectfully request entry of the amendments and reconsideration of the present application in view of the amendments and following remarks.

Claim Rejections – 35 USC §103

Claims 1 and 3-6 have been rejected under 35 USC 103 as being unpatentable over Brock et al (US 5,786,400) in view of Sugiyama et al (US 6,313,060) to Kitamura (US 5,895,793).

The Examiner asserts “specific weight ratio of HFC-245a to HFC-365mfc is not necessarily a required attribute of the claimed blowing agent composition”. However, this interpretation of the claim, even prior to the present amendment, is incorrect. The presence of both HFC-245 fa and HFC-365mfc has always been required by the claims. The compatibilizer is recited using Markush language in which the term “and” is before MPA. The recitation of “and HFC365fe” was never intended as an indication that HFC365mfc was one of the group of possible compatibilizers. As indicated above, NMP is also added back to the list of compatibilizers. Nevertheless, in order to make the limitation clear, the limitation for the blowing agent in Claim 1 is amended as follows. Similar amendments are implemented in Claims 2 and 7.

the blowing agent contains 1,1,1,3,3-pentafluoropropane (HFC-245fa) as a main component and further comprises 1,1,1,3,3-pentafluorobutane (HFC-365mfc) and at least one compatibilizer selected from the group consisting of N,N-dimethylacetamide (DMA), γ -butyrolactone (GBL) and methoxypropyl acetate (MPA), and 1,1,1,3,3-pentafluorobutane (HFC-365mfc), and also wherein HFC-245fa/HFC-365mfc \geq 60/40 (weight ratio) and (HFC-245fa + HFC-365mfc)/(compatibilizer) = 95/5 to 60/40 (weight ratio).

It is now very clear that the claimed invention requires the presence of both HFC-245 fa and HFC-365mfc, and no cited references teaches or suggests the specific combination. Further, no references of record teach or disclose the specific weight ratio ranges of $\text{HFC-245fa/HFC-365mfc} \geq 60/40$ and $(\text{HFC-245fa/HFC-365mfc})/(\text{compatibilizer}) = 95/5$ to $60/40$, which would not be able to be obtained by combining the references. These elements bring excellent effects of improving uniformity of cells of the foam, suppressing so-called cell roughness, and improving adhesion with the surface material (Page 4, Lines 24-26, Table 2, 3, and 4). As can be seen in the data presented in the tables, the Comparative Examples, which do not meet the claimed ratios, do not achieve these advantageous effects. The surprising effects of the Examples within the claimed ratios are evidence of nonobviousness of these specific ratio ranges. Thus, Claim 1 provides distinct features that produce unexpected results as described above. No references teach or suggest the above in a predictable manner. Therefore Claim1 and the dependent claims 3 - 6 could not be rejected on this ground. Applicant respectfully requests withdrawal of this rejection.

Claim 2 has been rejected under 35 U.S.C §103 as being unpatentable over Brock et al. in view of Sugiyama et al. and Kitamura et al.. Claim 2 has been rejected on the same ground as Claim1. Claim 2 has been amended in the same manner as in Claim1, and this method provides not only the results stated in above paragraph but also an economical benefit such as the same manufacturing apparatus as in case of using HCFC-141b as a blowing agent without drastically modifying the apparatus so as to perform a severe fire prevention countermeasure could be used. (Page 5, Line 18-22). Therefore Claim 2 as amended in herein could not be rejected on this ground. Applicant respectfully requests withdrawal of this rejection.

Claims 7 – 13 and 15 have been rejected under 35 U.S.C §103 as being unpatentable over Brock et al. in view of Sugiyama et al. and Kitamura et al. Claim 7 is independent and has been rejected on the same ground as Claim1. Claim 7 has been amended in the same manner as in Claim1. Therefore, at least for the same reasons as in claim 1, Claim 7 and the dependent claims 13 and 15, as amended in herein could not be rejected on this ground. Applicant respectfully requests withdrawal of this rejection.

Claim 14 has been rejected under 35 U.S.C §103 as being unpatentable over Brock et al. in view of Sugiyama et al. and Kitamura et al, and further in view of Bartlett et al. Claim14 is

Application No.: 10/561,862
Filing Date: December 20, 2005

dependent upon Claim13. Therefore Claim14 could not be rejected on this ground. Applicant respectfully requests withdrawal of this rejection.

CONCLUSION

In the light of the Applicant's amendments to the claims and the following Remarks, it is respectfully submitted that the present allocation is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Application No.: 10/561,862
Filing Date: December 20, 2005

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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